

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUL 19 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BY
DEPUTY _____

UNITED STATES OF AMERICA

v.

EDGAR PENLAND

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§
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§
§

NO. 6:17CR 55
JUDGE RC/JDL

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT 1

Violation: 18 U.S.C. §§
2252A(a)(5)(B) and 2252A(b)(2)
(Possession of Child Pornography)

On or about May 9, 2017, in the Eastern District of Texas, and elsewhere, the defendant, **Edgar Penland**, did knowingly possess material that contained an image of child pornography, as defined in 18 U.S.C. § 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, and which had been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer.

All in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 2

Violation: 18 U.S.C. §§
2252A(a)(1) and 2252A(b)(1)
(Transportation of Child
Pornography)

On or about February 26, 2017, in the Eastern District of Texas, and elsewhere, the defendant, **Edgar Penland**, did knowingly transport any child pornography, as defined in 18 U.S.C. § 2256(8), using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of 18 U.S.C. §§ 2252A(a)(1) and 2252A(b)(1).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 2253

1. The allegations contained in Counts 1 and 2 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 2253.

2. Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. § 2252A, the defendant, **Edgar Penland**, shall forfeit to the United States of America:

- a. Any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

The property to be forfeited includes, but is not limited to, the following:

- a. An HGST Hard Drive (s/n: 140919TM8514TFHD1U3R);
- b. A Toshiba Hard Drive (s/n: 57MGT3APTA26ECA);
- c. An Acer Computer (s/n: PTSHWP200114402AFF3000);

- d. An External Hard Drive (s/n: Z4NAT2LXT19B);
- e. A Toshiba Satellite L655 Laptop (s/n: 8CG6463FH0); and
- f. Charging cords for laptop and computer.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

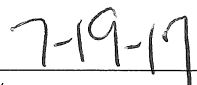
4. By virtue of the commission of the offenses alleged in this information, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 2253.

All pursuant to 18 U.S.C. § 2253 and the procedures set forth at 21 U.S.C. § 853, as made applicable through 18 U.S.C. § 2253(b).

A TRUE BILL



GRAND JURY FOREPERSON



Date

BRIT FEATHERSTON
ACTING UNITED STATES ATTORNEY



NATHANIEL C. KUMMERFELD
ASSISTANT UNITED STATES ATTORNEY

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NOTICE OF PENALTY

COUNTS 1

VIOLATION: 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2) (Possession of Child Pornography)

PENALTY: Imprisonment of not more than twenty (20) years and a fine of \$250,000 to be followed by a term of supervised release of not less than five (5) years to life.

SPECIAL ASSESSMENT: \$100.00

COUNT 2

VIOLATION: 18 U.S.C. §§ 2252A(a)(1) and 2252A(b)(1) (Transportation of Child Pornography)

PENALTY: Imprisonment of not less than five (5) years nor more than twenty (20) years and a fine of \$250,000 to be followed by a term of supervised release of not less than five (5) years to life.

SPECIAL ASSESSMENT: \$100.00